

ESTTA Tracking number: **ESTTA411630**Filing date: **05/27/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	GLOBAL CONQUISTADORS S.A.		
Entity	Corporation	Citizenship	Panama
Address	Cuba Avenue N36-36 PO Box 0816-06748 Republic of Panama, 5 PANAMA		

Attorney information	Michele P. Schwartz Andrews Kurth LLP 1717 Main Street Ste. 3700 Dallas, TX 75201 UNITED STATES mps@akllp.com, kneal@akllp.com, mallen@akllp.com
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Registrations Subject to Cancellation

Registration No	3304848	Registration date	10/02/2007
Registrant	KLIPSTEIN, EDUARDO BOSQUE DE CIRUELOS NO. 194, PH 1 COL. BOSQUES DE LAS LOMAS MEXICO CITY, 11700 MEXICO		

Goods/Services Subject to CancellationClass 021. First Use: 2007/03/31 First Use In Commerce: 2007/03/31
All goods and services in the class are cancelled, namely: Tooth brushes**Grounds for Cancellation**

Abandonment	Trademark Act section 14		
Other	No bona fide use prior to filing Statement of Use		
Registration No	3304847	Registration date	10/02/2007
Registrant	KLIPSTEIN, EDUARDO BOSQUE DE CIRUELOS NO. 194, PH 1 COL. BOSQUES DE LAS LOMAS MEXICO CITY, 11700 MEXICO		

Goods/Services Subject to CancellationClass 003. First Use: 2007/03/31 First Use In Commerce: 2007/03/31
All goods and services in the class are cancelled, namely: toothpaste**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Other	No bona fide use prior to filing Statement of Use
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Attachments	petition.pdf (3 pages)(34045 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michele P. Schwartz/
Name	Michele P. Schwartz
Date	05/27/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GLOBAL CONQUISTADORS S.A.,)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	(Registration Nos. 3,304,848 and 3,304,847)
)	
EDUARDO KLIPSTEIN,)	
)	
Registrant.)	

PETITION FOR CANCELLATION

GLOBAL CONQUISTADORS S.A. (“GLOBAL”), a company organized under laws of Panama, with an address at Cuba Avenue N36-36, Panama 5, Republic of Panama, believes it is and will continue to be damaged by the maintenance of Registration Nos. 3,304,848 and 3,304,847 on the Principal Register and hereby petitions to cancel same.

As grounds for cancellation, Petitioner alleges:

1. GLOBAL owns Application Serial No. 77/938,414 for the mark DENTO-MAX toothbrushes and denture brushes and parts and fittings therefor; brushes for teeth and materials for brush-making; toothpicks; materials and instruments for cleaning and polishing natural or artificial teeth namely, teeth whitening trays sold empty, apparatus for cleaning teeth and gums using high pressure water for home use, denture baths, in International Class 21.

2. GLOBAL filed Application Serial No. 77/938,414 on February 18, 2010. GLOBAL’s application has been rejected based on Registration Nos. 3,304,848 and 3,304,847 currently owned by Eduardo Klipstein (“Registrant”) for the mark DENTALMAX, the Examining Attorney finding that GLOBAL’s and Registrant’s marks are likely to be confused.

3. The file history for the registrations that are the subject of this cancellation indicate that the marks were first used in commerce of March 31, 2007.

4. The specimens that were filed in connection with the Statements of Use are not actual copies of product packaging but are graphic depictions of the proposed packaging for the products.

5. Upon information and belief, Registrant made no *bona fide* use in commerce of the mark DENTALMAX in connection with toothbrushes or toothpaste on or prior to March 31, 2007 or prior to the June 12, 2007 filing of the Statements of Use in connection with Registrant's underlying applications.

6. In the alternative, upon information and belief, Registrant has ceased use of the mark DENTALMAX for toothbrushes and toothpaste, and thus has abandoned said marks with no intention to resume use of the marks.

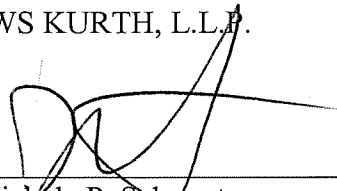
7. Based on the foregoing, Registrant's registrations are causing and will continue to cause injury and damage to GLOBAL unless and until such registrations are cancelled.

WHEREFORE, respectfully requests that Registration Nos. 3,304,847 and 3,304,848 be cancelled and that this petition for cancellation be sustained.

Date: May 27, 2011

ANDREWS KURTH, L.L.P.

By:



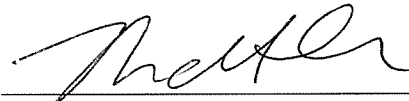
Michele P. Schwartz
1717 Main Street
Suite 3700
Dallas, Texas 75201
Telephone: (214) 659-4528
Facsimile: (214) 659-4855

Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of May 2011, a true copy of the foregoing PETITION FOR CANCELLATION was served by first-class mail, postage pre-paid on:

Kathleen A. Pasulka
Procopio Cory Hargreaves and Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101

A handwritten signature in cursive script, appearing to read 'Meredith Allen', is written over a horizontal line.

Meredith Allen